

REMARKS/ARGUMENTS

Reconsideration is requested. Claims 1, 6-8, 11, 14 and 16-25 are pending. Claims 2-5, 9, 10, 12, 13, 15 and 26 have been withdrawn. Responsive to the Office Action of October 2, 2007, the Examiner's comments and the cited art have been noted and studied. For reasons to be set forth in detail below, it is respectfully submitted that the present application is in condition for allowance, and such action is requested.

Independent claim 1 has been amended to expedite allowance by reciting a preferred embodiment of the present invention and for clarity. In particular, claim 1 now recites that the medical device package is for "use with a connector," that the deformable projection is a "frangible deformable projection" and the projection removably retains a medical device "in a predetermined extractable orientation and position" (see, for example, original dependent claim 11 and paragraphs 0008 and 0067 of the original disclosure).

Independent claim 20 has also been amended to expedite allowance by reciting a preferred embodiment of the present invention and for clarity. In particular, claim 20 now recites the deformable projection is a "frangible deformable projection" that removably retains a medical device "in a predetermined extractable orientation and position" (see, for example, original claim 25 and paragraph 0008 of the original disclosure). Independent claim 20 has also been amended to recite that during the engaging step, the frangible deformable projection is "broken" by the connector (see, for example, original claim 25 of the disclosure). Dependent claims 21 and 25 have been canceled.

It is respectfully submitted that the amendments above are supported by the specification, claims, abstract of the disclosure, and drawings as originally filed, and that no new matter has been added.

Claim Rejections under §102

The subject matter of claims 1, 6, 7, 8, 11, 14, 16, 20, 21 and 25 was rejected under 35 USC §102(b) as anticipated by U.S. Patent No. 4,985,034 to Lipton (hereinafter "Lipton").

Lipton, as understood, describes a blade shield for encasing a surgical scalpel blade prior to use and "securing" a used surgical scalpel blade to avoid reuse of the blade (see, for example, col. 1, lines 48-55 of Lipton). Lipton describes how, after use, a blade is returned to the blade shield and pressure applied such that a weakened section of the blade shield

(element 14 of Lipton) is displaced and expanded walls "lock" the blade in the blade shield (see, for example, col. 2, line 61 through col. 3, line 2; col. 4, lines 52-56 and FIG. 5 of Lipton). Therefore, the expandable walls (element 16 of Lipton) of the blade shield described by Lipton are clearly configured to securely lock a blade in place following use of the blade and, thus, prevent blade reuse.

In contrast to Lipton, amended claim 1 recites a frangible deformable projection configured to "*removably retain*" a medical device in a "*predetermined extractable orientation and position*" (emphasis added). The expandable walls of Lipton do not removably retain a blade in an extractable orientation and position since the deformable walls are described as locking the blade in place and preventing reuse. Therefore, for at least the foregoing reason Applicants respectfully submit that the subject matter of amended claim 1 is neither anticipate by nor obvious over Lipton.

Distinguished from Lipton, amended independent claim 20 also recites a frangible deformable projection configured to "*removably retain*" a medical device in a "*predetermined extractable orientation and position*." Moreover, amended claim 20 recites an engaging step wherein a connector breaks the frangible deformable connector. As noted above with respect to amended claim 1, Lipton does not describe or suggest a frangible deformable connector that removably retains a medical device in an extractable orientation and position. Moreover, Lipton teaches displacing a weakened section of a blade shield during removal of a handle from a blade and not during an engaging step (see, for example, col. 2, line 63 through col. 3, line 2 of Lipton). For at least the foregoing reasons, Applicants respectfully submit that claim 20, as amended, is allowable over Lipton.

Since dependent claims necessarily include the limitations of their parent claims, Applicants respectfully submit that dependent claims 6, 7, 8, 11, 14, and 16 are allowable for at least the same reasons as their parent claim, with dependent claims 21 and 25 having been canceled.

Claim Rejections under §103

The subject matter of dependent claims 17-19 and 22-25 was rejected under 35 USC §103(a) as obvious over Lipton in view of Examiner's Official Notice. The deficiencies of Lipton with respect to independent claims 1 and 20 were noted above. The Examiner's Official

Serial No. 10/816,002

Notice with respect to breakable (breachable) foils (citing U.S. Patent No's 6,497,845 and 4,180,162) does not cure the deficiencies of Lipton noted above. Since dependent claims necessarily include the limitations of their parent claims, Applicants respectfully submit that dependent claims 17-19 and 22-24 are allowable for at least the same reasons as their parent claim, with claim 25 having been canceled.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance and applicant earnestly solicits early examination on the merits and issuance of a Notice of Allowance. Should the Examiner believe that any additional information or amendment is necessary to place the application in condition for allowed, he is urged to contact the undersigned Attorney via telephone at 408-956-4790, or facsimile number 408-956-4404.

The Commissioner is hereby authorized to charge any required fees due in connection with this submission, including petition and extension of time fees, and to credit any overpayment to Deposit Account No. 10-0750 (Docket No. DDI5032/MM (Johnson & Johnson)).

Respectfully submitted,

/Mayumi Maeda/

Dated: January 15, 2008

By: _____

Mayumi Maeda
Reg. No. 40,075

Johnson & Johnson
International Patent Law Division
Attn: Philip Johnson
P.O. Box 1222
New Brunswick, NJ 08903
(408) 956-4790